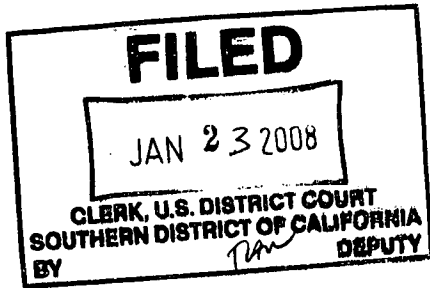


AUSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gilberto RAMIREZ-Aguilar,

Defendant.

) Mag. Case No. **'08 MJ 8047**
)
) COMPLAINT FOR VIOLATION OF:
)
) Title 8, U.S.C., Section 1326
) Deported Alien Found In the United States

The undersigned complainant, being duly sworn, states:

On or about January 21, 2008, within the Southern District of California, defendant Gilberto RAMIREZ-Aguilar, an alien, who previously had been excluded, deported, and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

MARCO A. MIRANDA
Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 23rd DAY OF
JANUARY 2008.

PETER C. LEWIS
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Gilberto RAMIREZ-Aguilar

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the statements of the
6 apprehending Border Patrol Agent, B. Dyke, that the Defendant was found and arrested on
7 January 21, 2008 west of Calexico, California.

8 BPA Dyke was performing his assigned Border Patrol duties approximately 1.5 miles
9 west of Calexico, California and encountered an illegal alien later identified as Gilberto
10 RAMIREZ-Aguilar. BPA Dyke identified himself as a Border Patrol Agent and questioned
11 RAMIREZ as to his immigration status to be in the United States. RAMIREZ stated that he was
12 a citizen of Mexico and illegally in the United States. RAMIREZ was placed under arrest.

13 Record checks revealed that an Immigration Judge ordered RAMIREZ deported to
14 Mexico from the United States on October 17, 2006. Record checks also revealed that
15 RAMIREZ has an extensive criminal and immigration record.

16 There is no evidence RAMIREZ has sought or received permission from the Attorney
17 General or the Secretary of the Department of Homeland Security to re-enter the United States.